

REMARKS

This application has been reviewed in light of the Office Action mailed September 21, 2006. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 10-20 are pending in the application with Claims 10, 19 and 20 being in independent form. By the present amendment, Claim 20 has been amended. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 10 and 19 – 20 Under 35 U.S.C. § 112, First Paragraph

Claims 10 and 19 – 20 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the Examiner asserts that the limitation of “originating a new call” is not supported by the specification as originally filed.

However, the specification does provide for the invention originating a new call. In particular, such support can be found in FIG. 3 where there is a first call originated by the present invention (S-2) and a second, or new, call originated by the present invention if quality deteriorates (S-8). While the figure and specification does not expressly refer to the originated call in step S-8 as a new call, it would be obvious to one skilled in the art that the originated call of step S-8 is not the same as the originated call in step S-2, thus the originated call of step S-8 must be a new originated call.

In addition, the specification discloses a cellular phone set 4 originating a call in accordance with instructions received from a display unit 6. Upon determining that the communication between the cellular phone set 4 and the display unit 6 has deteriorated, the cellular telephone originates a call to the remote cellular phone set 40, so as to establish voice communication with the remote cellular phone set 40 by using another call. (See: page 12, line 5 – page 13, line 15).

Therefore, for at least the reasons given above, Claims 10, 19 and 20 are believed to be allowable. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 10, 19 and 20 under 35 U.S.C. § 112, first paragraph.

II. Rejection of Claim 20 Under § 112, Second Paragraph

Claim 20 is rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner takes issue specifically to the phrase “and the like” as this phrase includes elements not actually disclosed, thus rendering the scope of the claim unascertainable.

In response Claim 20 has been amended to remove the phrase in question, thus obviating the present rejection. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claim 20 under 35 U.S.C. § 112, second paragraph.

III. Rejection of Claims 10 – 15 Under 35 U.S.C. § 103(a)

Further, the Examiner has rejected Claims 10 – 15 under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,349,324 issued to Tokoro in view of U.S. Patent No. 6,757,301 issued to Tsai.

In response, Applicant respectfully submits that the rejection with respect to Claims 10 – 15 is traversed for at least the reasons provided below.

As pointed out in the previous response, the present invention starts originating a call, other than a call used by the cellular telephone set to perform sub-communication with the accessory, when the channel quality of the sub-communication means has deteriorated to not more than a predetermined level. Therefore, the call other than a call used by the cellular telephone set to perform sub-communication with the accessory is a new and separate call originated for the express purpose of providing voice communications.

As the Examiner concedes, Tokoro fails to specifically disclose both a cellular telephone apparatus and an accessory comprising a channel monitoring means for monitoring channel quality of the sub-communications means and a control means for notifying the cellular telephone set of a deterioration in channel quality of the sub-communications means to a level no more than a predetermined level, causing the cellular apparatus to start originating a call.

However, the Examiner's interpretation that Tokoro suggests the above-identified limitation because deterioration of a channel or communications path can occur as a result of the user moving away from the accessory, thus rendering the utilization or employment of the image display means unnecessary at that particular instant is mistaken. Specifically, while one can say that once the sub-communications means deteriorates below an acceptable predetermined level that the image display means is no longer useful or necessary, that does not lead to the conclusion that the cellular apparatus disclosed in Tokoro necessarily will or even should start originating a call for voice communication with a remote cellular telephone set. Based on the teachings in Tokoro, the sub-communication with the accessory would be terminated with no further action being performed by the cellular apparatus.

The original communication connection used to supply the data for the television-telephone conversation, as disclosed in Tokoro, is maintained even if the sub-communication with the television is degraded, thus the audio is still receivable over the original communication connection. This does not suggest a need for the Tokoro apparatus to start originating a new call for voice communication with a remote cellular telephone set other than the call used by the cellular telephone set to perform the sub-communication means, as recited in Applicant's Claim 10, and similarly in Claims 19 and 20.

Additionally, the combination of Tokoro with Tsai does not properly suggest Applicant's claimed cellular telephone apparatus nor is the combination proper. Tsai is directed to a device coupled to a telephone line and a network (LAN) to exchange data between them. Thus, Tokoro and Tsai are directed to different fields of endeavor, where Tsai is directed to a device connected to a telephone line and not a cellular telephone set. Consequently, one skilled in the art of cellular telephones would not look to the teachings of Tsai, as telephone line devices operate on wholly different technologies than cellular telephone sets.

Moreover, as shown in Tsai FIG. 1, the device 100 does not suggest having telephone functionality, (e.g., no keypad for dialing, no speaker or microphone, etc.). In fact, Tsai specifically states that device 62, connected to device 100, usually has a telephone associated with it, thus the telephone functionality is performed by a separate device other than device 100. Therefore, the switching discussed by the Examiner is not performed by a telephone but by a separate device to which a telephone may be connected.

Further, while the combination of Tokoro and Tsai is made in an effort to show switching between a television-telephone conversation to a telephone-only conversation, disclosure or suggestion is not present in either Tokoro or Tsai for control means causing a cellular telephone transceiver means to start originating a new call for voice communication with a remote cellular telephone set. Applicant does not claim switching, but rather claims initiating a new call, other than the first call used for the sub-communication, for voice communication when the first call is deteriorated to not more than a predetermined level.

Therefore, for at least the reasons given above, Claims 10 – 15 are believed to be allowable over the cited prior art references. Accordingly, Applicant respectfully requests

withdrawal of the rejection with respect to Claim 10 – 15 under 35 U.S.C. § 103(a) over Tokoro in view of Tsai.

IV. Rejection of Claims 16 – 20 Under 35 U.S.C. § 103(a)

Claims 16 - 20 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Tokoro in view of Tsai and further in view of U.S. Patent No. 5,880,732 issued to Tryding.

Claims 16-18 depend from independent Claim 10, thus these claims include all the limitations recited in that independent Claim. Additionally, Claims 19 and 20 recite similar limitations as Claim 10. Therefore, Applicant respectfully traverses the rejection with respect to Claims 16 – 20.

While Tryding discloses an apparatus for enabling use of a display monitor with a mobile telephone, no disclosure or suggestion is made in Tryding for control means causing a cellular telephone transceiver means to start originating a new call for voice communication with a remote cellular telephone set when a channel quality of sub-communication means has deteriorated to not more than a predetermined level. Hence, Tryding, taken alone or in any proper combination with Tokoro and Tsai, fails to disclose or suggest Applicant's invention as recited in the claims.


Therefore, for at least the reasons given above for Claim 10, Claims 16 – 20 are believed to be allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 16 – 20 under 103(a) over Tokoro in view of Tsai and further in view of Tryding.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 10 – 20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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